

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

UNITED STATES OF AMERICA, §
§
Plaintiff, §
VS. § CRIMINAL ACTION NO. V-06-05
§
MARK ANTHONY MENDOZA, §
§
Defendant. §

OPINION AND ORDER OF DETENTION PENDING TRIAL

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the defendant pending trial in this case:

(1) There is probable cause to believe the defendant committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841(b)(1)(B); and

(2) The defendant has not rebutted the presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

The indictment reflects that a grand jury found probable cause to believe the defendant committed the offenses charged. The findings and conclusions contained in the Pretrial Services Report are adopted. The defendant was on felony probation at the time he committed the instant offenses, indicating he is either unwilling or unable to comply with court ordered conditions of release.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the

United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 1st day of February, 2006.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE